

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

JASON BRYAN CUTSHAW,)	
)	Case No. 2:21-cv-96
<i>Plaintiff,</i>)	
)	Judge Travis R. McDonough
v.)	
)	Magistrate Judge Cynthia R. Wyrick
NEWPORT POLICE DEPARTMENT and)	
B. CASSIDY, <i>a Newport Police</i>)	
<i>Department Officer,</i>)	
)	
<i>Defendants.</i>)	

MEMORANDUM AND ORDER

On June 29, 2021, United States Magistrate Judge Cynthia R. Wyrick filed her report and recommendation (Doc. 6) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Wyrick recommended that the complaint be dismissed under 28 U.S.C. § 1915(e)(2) for failure to state a claim. (Doc. 6, at 2, 7.) Plaintiff did not file a timely objection to Magistrate Judge Wyrick’s report and recommendation.¹ After independently reviewing Plaintiff’s complaint and the report and recommendation, the Court agrees with Magistrate Judge Wyrick’s well-reasoned conclusions and her stated reasons for recommending dismissal of Plaintiff’s claims with prejudice.

¹ Magistrate Judge Wyrick specifically advised Plaintiff that he had fourteen days within which to object to the report and recommendation and that failure to do so would waive his right to appeal. (Doc. 6, at 7 n.3); *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Plaintiff could timely file any objections has now expired.

Accordingly, the Court hereby **ACCEPTS** and **ADOPTS** the report and recommendation (Doc. 6) pursuant to 28 U.S.C. § 636(b)(1) and **DISMISSES** this action **WITH PREJUDICE**.

AN APPROPRIATE JUDGMENT WILL ENTER.

/s/ *Travis R. McDonough*

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE